

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 15804 of 2005

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Dated: 31.08.2005

Between:

G.Sunitha, w/o Sudheer Babu,
R/o Inkollu, Prakasam District.

..... PETITIONER

AND

The District Collector, Ongole, Prakasam District and others.

.... RESPONDENTS

ORDER:

Challenging the order, dated 13.07.2005, passed by the first respondent-District Collector and District Magistrate, Ongole, Prakasam District, this writ petition is filed.

The case of the petitioner is that she was appointed as a fair price shop dealer in the year 1998. She was issued a show cause notice dated 22.12.2004 framing as many as six charges and was directed to explain as to why her dealership should not be dissolved. After submission of explanation by the petitioner, the third respondent-Revenue Divisional Officer, Ongole suspended the authorization of the petitioner through order, dated 23.12.2004. Aggrieved thereby, she preferred an appeal before the first respondent along with an application for grant of stay. The first respondent passed an order dated 10.01.2005 rejecting the application for stay. Challenging the same, the petitioner filed a writ petition being W.P.No. 399 of 2005, wherein this Court directed the second respondent to dispose of the appeal. Thereafter, the second respondent passed the order, dated 16.06.2005. Aggrieved thereby, the petitioner preferred a revision before the first respondent-District Collector-cum-

District Magistrate, Ongole, and ultimately the District Collector-cum-District Magistrate passed the impugned order dated 13.07.2005.

Learned counsel for the petitioner contended that this Court, in W.P.No.399 of 2005, has given a clear finding that when the second respondent had chosen to issue a show cause notice for a definite purpose and when the petitioner had submitted her explanation, the question of suspending her authorization pending enquiry does not arise. The learned counsel further contended that based on the documents filed along with the impleaded petition, without giving any opportunity to the petitioner, the impugned proceedings have been issued. Placing strong reliance on the decision of this Court in the case of ***A.Neelima Vs. The Joint Collector, Kurnool***, the learned counsel also contends that the enquiry should be completed within a period of 90 days.

On the other hand, learned Government Pleader for Civil Supplies contended that in spite of giving several opportunities before the Joint Collector, the petitioner did not avail the same and that the licence has been suspended only pending enquiry and therefore, it does not require any interference of this Court.

Admittedly, the authorization of the petitioner was suspended pending enquiry. Normally, this Court will not interfere with the order of suspension passed pending the enquiry unless the authority, which passed it, lacks jurisdiction or that the principles of natural justice have been violated. No doubt in this case, the order of suspension of authorization pending enquiry has been passed after giving reasonable opportunity, but it makes no difference, since a detailed enquiry has to be conducted.

Prima facie, as the petitioner is not residing in the village where she was running the fair price shop, her authorization was cancelled. The said fact has to be determined in the enquiry only. The contention of the learned counsel for the petitioner that no opportunity was given by the Joint Collector cannot be accepted in view of the fact that a detailed counter-affidavit has been filed by the Revenue Divisional Officer stating that several notices have been sent to the learned counsel appearing for the petitioner and that there was no representation on behalf of the petitioner before the Joint Collector. The further contention of the learned counsel for the petitioner that the enquiry has to be completed within 90 days as per the decision of this Court in the above case, cannot be accepted in view of the fact that the enquiry could not be

completed due to the pendency of the proceedings either before this Court or before the appellate authority or before the Revisional Authority. Hence, there are no grounds to interfere with the impugned order.

Therefore, the writ petition is disposed of with a direction to the Revenue Divisional Officer-third respondent to complete the enquiry within a period of two months from the date of receipt of a copy of this order after giving reasonable opportunity to the petitioner. No costs.

31.08.2005

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